

## **REMARKS/ARGUMENTS**

### **STATUS OF CLAIMS**

Claims 1, 2, 4, and 5 are currently pending in the application. By this Amendment, claim 1 is amended and claims 2, 4, and 5 are left unchanged. Claims 3 and 6-15 were canceled in a previous amendment.

### **CLAIM REJECTIONS – DOUBLE PATENTING**

On pages 2-3 of the Office Action, claim 1 is rejected under the judicially-created doctrine of nonstatutory obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,675,887. Also, on pages 2-3 of the Office Action, claims 2, 4, and 5 are rejected under the judicially-created doctrine of nonstatutory obviousness-type double patenting as being unpatentable over claims 2, 4, and 5 of U.S. Patent No. 6,675,887 in view of Wyatt (U.S. Patent No. 3,517,730). The Applicants submit herewith a Terminal Disclaimer in view of U.S. Patent No. 6,675,887. Accordingly, the Applicants respectfully request withdrawal of the nonstatutory double-patenting rejections of claims 1, 2, 4, and 5.

### **CLAIM REJECTIONS – 35 U.S.C. § 102**

#### **Independent Claim**

On pages 3-4 of the Office Action, claims 1, 2, and 4 are rejected under 35 U.S.C. §102(b) as being anticipated by Basiulis (U.S. Patent No. 3,924,674).

Claim 1 is hereby amended, and calls for:

A heat pipe assembly comprising:

- a first heat pipe having a condenser, an interior, and a working fluid;
- a reservoir that is external to and communicates with said first heat pipe containing a non-condensable gas which variably permits access of the working fluid to the condenser of the first heat pipe, depending on a pressure of the working fluid; and

- a second heat pipe having an evaporator that is in thermal contact with the first heat pipe, wherein the second heat pipe has an interior in fluid communication with the interior of the first heat pipe in at least one pressure of the working fluid.

(Amendment marks not shown)

In contrast, Basiulis discloses a heat valve device utilizing two heat pipes (see Fig. 3) in which the condensation region of a first heat pipe 40 is in thermal contact with but is not in fluid communication with an evaporation region 112 of a switch section 10, and the evaporation region 242' of a second heat pipe 50 is in thermal contact with but is not in fluid communication with a condensation region 113 of the switch section 10. Each of the first heat pipe 40, the switching section 10, and the second heat pipe 50 comprise an elongated tubular housing 11 hermetically sealed at both ends. Working fluid must undergo evaporation and condensation in each component for the device to function. Thus, Basiulis does not disclose, teach, or suggest, among other things, "a second heat pipe having an evaporator that is in thermal contact with the first heat pipe, wherein the second heat pipe has an interior in fluid communication with the interior of the first heat pipe in at least one pressure of the working fluid" as claimed in amended claim 1.

In light of the above and for other reasons not discussed herein, withdrawal of the 35 U.S.C. §102(b) rejection of claim 1 in view of Basiulis is respectfully requested.

#### Dependent Claims

Claims 2 and 4 are each dependent upon independent claim 1, and are allowable based upon amended claim 1 and upon other features and elements claimed in claims 2 and 4 but not discussed herein. Withdrawal of the 35 U.S.C. §102(b) rejection of claims 2 and 4 is therefore respectfully requested.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the claims of the present application are in condition for allowance. The Applicants request that the Examiner telephone the attorneys of record in the event a telephone discussion would be helpful in advancing the prosecution of the present application.

Respectfully submitted,



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